

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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JONATHAN MONSARRAT,

*Plaintiff,*

v.

GOTPER6067-00001 and DOES 1-5, dba  
ENCYCLOPEDIADRAMATICA.SE, and  
BRIAN ZAIGER,

*Defendants.*

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CIVIL ACTION NO. 17-cv-10356-PBS

**AFFIDAVIT OF RICHARD GOREN  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR LEAVE TO SERVE  
THIRD PARTY SUBPOENA ON  
DEFENDANTS' INTERNET SERVICE  
PROVIDERS**

I, Richard A. Goren, an attorney admitted to practice before the courts of the  
Commonwealth of Massachusetts, on oath depose and state as follows:

1. I am counsel to the Plaintiff and submit this affidavit in support of his motion for  
leave to serve third party subpoenas prior to a Rule 26 (f) conference on third party Internet  
Service Providers to ascertain the true identity of the Doe Defendants.

2. In addition to serving copies of the summons, complaint and the Court's April 20,  
2017 Order, on April 24<sup>th</sup> I also requested each of Cloudflare, Inc., National Net, Inc., and Key-  
Systems GmbH to terminate Defendant Does' service and to voluntarily provide me with all  
contact information for Defendant Does 1-5.

3. While Cloudflare's designated agent to receive notice of claimed infringements  
had promptly emailed an acknowledgement of receipt of my April 24<sup>th</sup> service and request, by  
May 2, 2017 I had received no substantive response. On May 2, 2017, I called two of  
Cloudflare's in house legal counsel, Kenneth R. Carter, Esq., and Doug Kramer, Esq. leaving  
messages for each requesting a call and a response to my April 24, 2017 transmittal and a follow

up email I would send. On May 2, 2017 at 12:56pm (Boston time) I emailed attorneys Carter and Kramer and Cloudflare's DMCA designated agent and repeated among other things my request for the names, physical mailing address, electronic mailing addresses, telephone numbers for the Defendant Does 1-5. At 3:11pm (Boston time) I received the following reply:

Dear Mr. Goren,

We received your letter dated April 24, 2017 regarding possible copyright violations of [encyclopediadrastica.se](http://encyclopediadrastica.se). Cloudflare offers network service solutions, including a reverse proxy, pass-through security service and a content distribution network (CDN). Because Cloudflare is a reverse proxy, our IP addresses may appear in whois and DNS records for websites using our services. We do not have access to our customer's content. Cloudflare is not a hosting provider.

Given the type of service we provide, and the fact that we do not create or host content, there are limits to what we can do. We respectfully suggest that you get in direct contact with the website owner or the hosting provider. Purely as courtesy, we are providing the hosting provider contact information here for [encyclopediadrastica.se](http://encyclopediadrastica.se). However, Cloudflare makes no warranties as to the accuracy of this information.

person: Sibin Grasic  
address: Tanaska Rajica 26  
address: 37000 Krusevac  
address: SERBIA  
phone: +38137425870  
org-name: Hetzner Online GmbH  
address: Industriestrasse 25  
address: D-91710  
address: Gunzenhausen  
address: GERMANY  
phone: +49 9831 5050  
fax-no: +49 9831 5053  
e-mail: [ripe-mntner@hetzner.de](mailto:ripe-mntner@hetzner.de)

As a further courtesy, we have forwarded the documents you provided to us directly to the customer. Because it was sent to an email address, we cannot verify service.

Regards,  
Cloudflare Legal Department

EXECUTED UNDER THE PENALTIES OF PERJURY THIS 3d DAY OF MAY, 2017.

/s/Richard A. Goren

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on May 3, 2017, and further certify that on May 3, 2017 I served paper copies to Defendant Does 1-5 by email to [contact@encyclopediadrastica.se](mailto:contact@encyclopediadrastica.se) and to Defendant Brian Zaiger by mail, postage prepaid, to Brian Zaiger, c/o Lafayette Hotel, Room 111, 116 Lafayette Street, Salem Massachusetts 01970-3625 and 4 Davis Street, Beverly MA 01915 and email to zaiger420@yahoo.com , zaiger@gmail.com, zaiger420@gmail.com, and zaiger@aol.com.

*/s/Richard A. Goren*